

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 601

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

INTRODUCED BY

Edward C. Sandoval

AN ACT

RELATING TO PUBLIC EMPLOYEES RETIREMENT; AMENDING THE PUBLIC  
EMPLOYEES RETIREMENT ACT TO EXCLUDE FROM MEMBERSHIP CERTAIN  
PARTICIPANTS IN A SENIOR EMPLOYMENT TRAINEE PROGRAM.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 10-11-3 NMSA 1978 (being Laws 1987,  
Chapter 253, Section 3, as amended) is amended to read:

"10-11-3. MEMBERSHIP--REQUIREMENTS--EXCLUSIONS--  
TERMINATION.--

A. Except as may be provided for in the Volunteer  
Firefighters Retirement Act, the Judicial Retirement Act, the  
Magistrate Retirement Act, the Educational Retirement Act and  
the provisions of Sections 29-4-1 through 29-4-11 NMSA 1978  
governing the state police pension fund, each employee and  
elected official of every affiliated public employer shall be a

underscoring material = new  
[bracketed material] = delete

1 member of the association, unless excluded from membership in  
2 accordance with Subsection B of this section.

3 B. The following employees and elected officials  
4 are excluded from membership in the association:

5 (1) elected officials who file with the  
6 association a written application for exemption from membership  
7 within twenty-four months of taking office;

8 (2) elected officials who file with the  
9 association a written application for exemption from membership  
10 within twenty-four months of the date the elected official's  
11 public employer becomes an affiliated public employer;

12 (3) employees designated by the affiliated  
13 public employer as seasonal or student employees or as trainee  
14 participants of the federally funded and state-funded senior  
15 employment trainee program, administered by the aging and  
16 long-term services department;

17 (4) employees who file with the association a  
18 written application for exemption from membership within thirty  
19 days of the date the employee's public employer becomes an  
20 affiliated public employer;

21 (5) employees of an affiliated public employer  
22 that is making contributions to a private retirement program on  
23 behalf of the employee as part of a compensation arrangement  
24 who file with the association a written application for  
25 exemption within thirty days of employment, unless the employee

.175630.1

underscoring material = new  
[bracketed material] = delete

1 has previously retired under the provisions of the Public  
2 Employees Retirement Act;

3 (6) employees of an affiliated public employer  
4 who have retired under and are receiving a pension pursuant to  
5 the provisions of the Educational Retirement Act; and

6 (7) retired members who return to work  
7 pursuant to Section 10-11-8 NMSA 1978 and are exempted from  
8 membership by the provisions of that section.

9 C. Employees designated as seasonal and student  
10 employees shall be notified in writing by their affiliated  
11 public employer of the designation and the consequences of the  
12 designation with respect to membership, service credit and  
13 benefits. A copy of the notification shall be filed with the  
14 association within thirty days of the date of employment.

15 D. An exemption from membership by an elected  
16 official shall expire at the end of the term of office for  
17 which filed.

18 E. Employees and elected officials who have  
19 exempted themselves from membership may subsequently withdraw  
20 the exemption by filing a membership application. Membership  
21 shall commence the first day of the first pay period following  
22 the date the application is filed.

23 F. The membership of an employee or elected  
24 official shall cease if the employee terminates employment with  
25 an affiliated public employer or the elected official leaves

.175630.1

underscored material = new  
[bracketed material] = delete

1 office and the employee or elected official requests and  
2 receives a refund of member contributions."

3 - 4 -

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

.175630.1